

FROM TREXLER ETAL.

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FOUNDED 1890

PATENT, TRADEMARK, COPYRIGHT
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TOTAL PAGES (Including Cover Page) 9 DATE: March 17, 2005 MAR 17 2005

Commissioner of Patents and Trademarks

TO: Examiner William L. Miller FROM: James A. O'Malley, Reg. No. 45,952

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NOTES:

Inventors: Clinch et al.

For: **SPLIT WELD CAGE NUT
ASSEMBLY**

Art Unit: 3677

Serial No.: 10/696,958

Filed: October 30, 2003

Attorney Ref.: 140/40303A/954A

CERTIFICATION OF FACSIMILE TRANSMISSION

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James A. O'Malley
James A. O'Malley

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PATENT

IN THE UNITED STATES
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MAR 17 2005

Serial No.:	10/696,958)	Applicants:	Clinch et al.
Filed:	October 30, 2003)	Examiner:	William L. Miller
For:	SPLIT WELD CAGE)	Art Unit:	3677
	NUT ASSEMBLY)	Atty. Docket No.:	140/40303A/954A

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On September 2, 2004, the United States Patent and Trademark Office issued an Office Action in connection with the above-identified United States patent application requiring a restriction of the claims. The Office Action provided a one-month shortened statutory period for reply.

On September 23, 2004, prior to the expiration of this one-month period for reply, Applicants filed a Response to Restriction Requirement electing claims for further prosecution pursuant to the Office Action.

Upon arriving today, Applicants' attorney listened to a voicemail message from Examiner Katherine Mitchell inquiring as to whether Applicants had ever filed a response to the Office Action as the United States Patent and Trademark Office had no record of any such response as she just wanted to make sure prior to allowing the application to become abandoned.

Applicants' attorney contacted Examiner Mitchell to inform her that the application was not to be abandoned as the Response to Restriction Requirement had been filed on September 23, 2004. Examiner Mitchell instructed Applicants' attorney to fax a copy of the Response to the Restriction Requirement, as well as a copy of the Certificate of Mailing and the postcard receipt to the United States Patent and Trademark Office to fax number 703-872-9306.

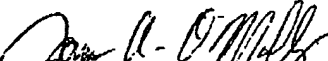
As such, in accordance with Examiner Mitchell's instructions, Applicants have attached to this letter a copy of the Response to Restriction Requirement and the transmittal therefor (Form PTO-1083) (both of which have the Certificate of Mailing thereon), a copy of the Express Mail Mailing Label, and a copy of the return receipt postcard acknowledging that the United States Patent and Trademark Office received the Response to Restriction Requirement and the transmittal letter therefor.

In view of the foregoing, Applicants request that this application continue to be prosecuted and not abandoned.

If there are any questions regarding the foregoing, please contact one of the undersigned attorneys.

Respectfully,

Date: March 17, 2005

By: 

Richard A. Giangiorgi, Reg. No. 24,284

James R. Foley, Reg. No. 39,979

James A. O'Malley, Reg. No. 45,952

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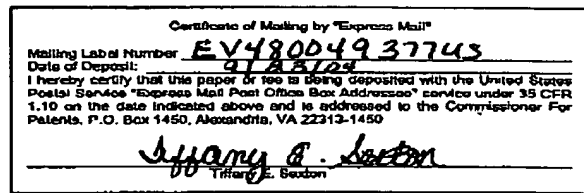
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780485

In re application of: Clinch et al.
 Serial No.: 10/696,958
 Filed: October 30, 2003
 For: SPLIT WELD CAGE NUT ASSEMBLY



COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

'Transmitted herewith is a "Response to Restriction Requirement" for the above-identified application.

The filing fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	Claims Remaining After Amendment		Highest No. Previously Paid for	Present Extra
TOTAL	* 43	MINUS	** 43	0
INDEP.	* 5	MINUS	** 5	0
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
Rate	Addit. Fee
x 9 =	\$.00
x 42 =	\$.00
+ 130 =	\$.00
TOTAL ADDIT. FEB	\$.00

OR

OTHER THAN A SMALL ENTITY	
Rate	Addit. Fee
x 18 =	\$.00
x 84 =	\$.00
+ 260 =	\$.00
TOTAL	\$.00

OR

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ Please charge my Deposit Account No. 20-1495 in the amount of \$ _____. A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 20-1495. A duplicate copy of this sheet is enclosed.
- ☒ Any filing fees required under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR 1.17


Dated: September 23, 2004

Richard A. Giangiorgi, Reg. No. 24,284
 James R. Foley, Reg. No. 39,979
 James A. O'Malley, Reg. No. 45,952
 Attorneys of Record

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

PATENT

Serial No.: 10/696,958)
 Filed: October 30, 2003)
 For: **SPLIT WELD CAGE**)
 NUT ASSEMBLY)
 Applicants: Clinch et al.)
 Examiner: William L. Miller)
 Art Unit: 3677)
 Atty Docket No.: 140/40303A/954A)

CERTIFICATE OF MAILING BY "EXPRESS MAIL"	
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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

In response to the Office Action Restriction Requirement of September 2, 2004, having a shortened statutory period for response set to expire on October 2, 2004, Applicant elects the species of Group III – Figures 7-9, 22 and 23 without traverse. Applicant states that the claims readable on the species of Group III – Figures 7-9, 22 and 23 are claims 1-5, 8, 21-22, 27-32, 34-39 and 43.

With regard to the *elected* claims, Applicant states the following:

- Claims 1-5, 21 and 22 are currently generic to the species of Group I (Figures 1-3, 22 and 23), Group II (Figures 4-6, 22 and 23), Group III (Figures 7-9, 22 and 23), and Group IV (Figures 10-12, 22 and 23);

- Claim 8 is currently generic to the species of Group I (Figures 1-3, 22 and 23), Group II (Figures 4-6, 22 and 23), and Group III (Figures 7-9, 22 and 23);
- Claims 27-29, 31, 32, 34-36, 38 and 39 are currently generic to the species of Group III (Figures 7-9, 22 and 23) and Group IV (Figures 10-12, 22 and 23); and
- Claim 43 is currently generic to *all* of the species, namely, Group I (Figures 1-3, 22 and 23), Group II (Figures 4-6, 22 and 23), Group III (Figures 7-9, 22 and 23), Group IV (Figures 10-12, 22 and 23), Group V (Figures 13-15, 22 and 23), Group VI (Figures 16-18 and 24), and Group VII (Figures 19-23).

With regard to the *non elected* claims, Applicant states the following:

- Claims 10-12, 17-19, 24 and 40 are currently generic to the species of Group V (Figures 13-15, 22 and 23), Group VI (Figures 16-18 and 24), and Group VII (Figures 19-23);
- Claims 13, 14, 24 and 25 are currently generic to the species of Group V (Figures 13-15, 22 and 23) and Group VII (Figures 19-23); and
- Claims 20, 33, 41 and 42 are currently generic to the species of Group V (Figures 13-15, 22 and 23) and Group VI (Figures 16-18 and 24).


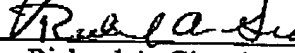
Applicant explicitly reserves the right to file divisional applications on the non-elected claims.

As Applicant is not aware of any prior art which would anticipate or render obvious the claims of the present invention, early allowance is respectfully requested.

If the Examiner has any questions regarding this Response to Restriction Requirement, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

Date: September 23, 2004

By: 

Richard A. Giangiorgi, Reg. No. 24,284
James R. Foley, Reg. No. 39,979
James A. O'Malley, Reg. No. 45,952

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PAGE 8/9 * RCVD AT 3/17/2005 12:24:55 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID:1 312 704 8023 * DURATION (mm:ss):03:00

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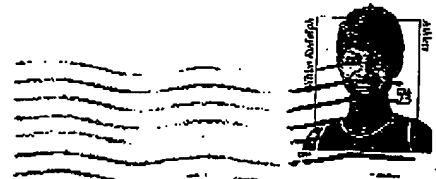
September 23, 2004
RAG/JAO/tes

Enclosed: Response to the Restriction Requirement; Form PTO-1083 (in duplicate); Certificate of Express Mailing; and this postcard.

Receipt Acknowledged:

PH/U: 10/23/04

Kindly stamp card with date of receipt of attached material and return to attorneys of record.



FLANNERY, EMMETT, GILBERTSON & BLANKENHORN, INC.
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